

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

DECEMBER 15, 2005

The Marlboro Township Council held a regularly scheduled Council meeting on December 15, 2005 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Pernice opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 7, 2005; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Cantor, Councilman Denkensohn, Councilman Mione, Council Vice President Morelli and Council President Pernice.

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta and Deputy Clerk Deborah Usalowicz.

Councilman-elect Steve Rosenthal and Councilwoman-elect Rosa Tragni were in attendance.

Council Vice President Morelli moved that the minutes of November 3, 2005 and November 14, 2005 be approved. This motion was seconded by Councilman Denkensohn and the minutes were passed on a roll call vote of 5 - 0 in favor.

The following Resolution # 2005-481 (Approving Fair share Plan and Endorsing Housing Element) was introduced by reference, offered by Council Vice President Morelli and seconded by Councilman Cantor. Township Planner Jennifer Beahm gave an overview of the plan. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-481

RESOLUTION OF THE TOWNSHIP OF MARLBORO PETITIONING THE COUNCIL ON
AFFORDABLE HOUSING FOR SUBSTANTIVE CERTIFICATION WITH AN ADOPTED
HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Planning Board of the Township of Marlboro in the County of Monmouth, State of New Jersey, adopted the Housing Element of the Master Plan on December 13, 2005; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:95-2.2(a)2; and

WHEREAS, the Planning Board adopted the Fair Share Plan on December 13, 2005; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:95-2.2(a)2.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Township of Marlboro Planning Board; and

BE IT FURTHER RESOLVED that the Township Council of the Township of Marlboro, pursuant to the provisions of N.J.S.A. 52:27D-301, *et seq.* and N.J.A.C. 5:95-3.2, submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

BE IT FURTHER RESOLVED that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:95-3.5 within seven (7) days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this Resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Township of Marlboro Municipal Clerk's office located at 1979 Township Drive, Marlboro, New Jersey, during the hours of 8:30 to 4:30 p.m. on Monday through Friday for a period of forty-five (45) days following the date of publication of the legal notice pursuant to N.J.A.C. 5:95-3.5.

The following Resolution # 2005-482 (Rescinding Agreement - Entron) was introduced by reference, offered by Councilman Cantor and seconded by Council Vice President Morelli. Discussion followed after which Andrew Bayer, Esq. addressed legal issues. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-482

RESOLUTION RESCINDING RESOLUTION 2005-319

WHEREAS, pursuant to Resolution #2004-225, the Township Council of the Township of Marlboro approved the July 2004 Housing Plan Element and Fair Share Plan in furtherance of satisfying the Township of Marlboro's affordable housing obligation; and

WHEREAS, the Township of Marlboro then petitioned the Council on Affordable Housing ("COAH") for substantive certification and requested that COAH review and certify the Township's affordable housing plan; and

WHEREAS, through its Petition for Substantive Certification, the Township included Block 132, Lot 18, also known as the Entron Property controlled by Kaplan Companies ("Kaplan"), which provided for the construction of 365 residential units, 245 market rate age-restricted units and 120 affordable units constructed on-site (including 44 affordable age-restricted units and 76 affordable family units); and

WHEREAS, there were numerous objections filed to the Township's Affordable Housing Plan with COAH because of the inclusion of the Entron Property in the Township's affordable housing plan and in response to these objections, the Township was required to participate in a mediation process governed by COAH regulations; and

WHEREAS as part of that mediation process, COAH advised the Township that if it did not include the Bluh and Batelli property (Block 150, Lots 2, 3, 4 and 9, Block 151, Lot 4, Block 148, Lot 31, and Block 149, Lot 16)which provided for the construction of 250 residential units in the Township's affordable housing plan, the Township's Petition for Substantive Certification would be dismissed; and

WHEREAS, the Bluh and Batelli property is proximate to the Entron Site; and

WHEREAS, the Township Council was unaware that another development near the Entron Property known as Chelsea Commons had obtained all of its approvals, and 232 residential units will be constructed at that location; and

WHEREAS, a development known as Northpointe, previously included in the Township's affordable housing plan will produce 370 residential units and this site is also near the Entron Property; and

WHEREAS, the Township Council is extremely concerned about the significant amount of development and traffic congestion which would result from the development of the Entron Property in conjunction with the construction of the Bluh and Batelli property, Chelsea Commons and Northpointe developments since all of these properties are in the same area of the Township and near the Route 79 corridor; and

WHEREAS there was substantial opposition to the Township's inclusion of the Entron Property in the Township's affordable housing plan from local citizens groups who filed objections with COAH to due to the high density proposed on the Entron Property and these objectors participated in the COAH mediation process; and

WHEREAS, COAH never certified the Township's Second Round Affordable Housing Plan, and as a result, the Township was required, pursuant to COAH regulations to submit a cumulative affordable housing plan to COAH for the Township's Second and Third Round affordable housing obligation;

WHEREAS, the Township Council has never implemented the zoning to allow for the development of the Entron property;

WHEREAS, COAH issued a Mediation Report dated October 21, 2005 which provided the Township with the option as to whether or not to include the Entron property in the Township's Third Round Plan; and on November 9, 2005, the Council on Affordable Housing voted to accept the Mediator's Report;

WHEREAS, the Township developed a Housing Element which provided that the Township will be satisfying its cumulative Second and Third Round affordable housing obligation through the implementation of a 100% affordable municipal affordable housing project and through the inclusion of the Stattel Farm property;

WHEREAS, the Planning Board approved the Housing Element; and the Township Council endorsed the Housing Element and approved a Fair Share Plan in order to satisfy the Township's cumulative Second and Third Round affordable housing obligation; and

WHEREAS, the Housing Element and Fair Share Plan did not include the Entron Property as part of the Township's affordable housing plan due to, in part, all of the facts and circumstances identified, herein; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that it hereby rescinds and voids Resolution No. 20005-319.

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized and directed to send copies of this resolution to the following:

1. Kaplan Companies
2. Business Administrator
3. Township Planner
4. Gluck Walrath, LLP.

Council President Pernice opened the Public Hearing on Ordinance # 2005-55 (Amend Chapter 84 - C-1). As there was no one else who wished to speak, the Public Hearing was closed. The following Resolution # 2005-483/Ord. # 2005-55 (Amend Chapter 84 - C-1 Village Commercial District) was introduced by reference, offered by Councilman Mione and seconded by Council President Pernice and passed on a roll call vote of 4 - 0 in favor with Council Vice President Morelli abstaining.

RESOLUTION # 2005-483

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-55

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-50 OF
CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS,
ZONING STANDARDS AND REGULATIONS, C-1 VILLAGE COMMERCIAL
DISTRICT" OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY
TO LIMIT THE SIZE OF PERMITTED USES

which was introduced on November 3, 2005, public hearing held December 15, 2005, be adopted on second and final reading this 15th day of December, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolution # 2005-474 (Tabled 12/1 - Authorizing Release - Bokkisam v. Marlboro Twp.) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2005-474

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A BUYOUT FROM
THE MUNICIPAL EXCESS JOINT LIABILITY INSURANCE FUND IN LIEU
OF PROVIDING A DEFENSE TO THE TOWNSHIP OF MARLBORO IN THE
MATTER OF BOKKISAM v. THE TOWNSHIP OF MARLBORO ZONING
BOARD OF ADJUSTMENT, Docket No. MON-L-3732-05

WHEREAS, a lawsuit entitled Pallavi Bokkizam v. The Township of Marlboro Zoning Board of Adjustment, Docket No. MON-L-3732-05 (the "Lawsuit") has been filed by Pallavi Bokkizam (the "Plaintiff") against the Township of Marlboro Zoning Board of Adjustment (the "Zoning Board") challenging the denial of the Plaintiff's application by the Zoning Board and seeking damages; and

WHEREAS, the Municipal Excess Joint Liability Insurance Fund (the "MEL") does not have an obligation to provide the Township with a defense with respect to the principal non-monetary relief sought by the Lawsuit, which is a reversal of the decision by the Zoning Board, but the MEL does have an obligation to provide the Township with a defense as to the Plaintiff's claim to damages; and

WHEREAS, if the MEL assigns an attorney to defend the Plaintiff's claim to damages, the Township will have to pay a self-insured retention of \$10,000.00 plus be responsible for 20% of the first \$100,000.00 of cost or loss; and

WHEREAS, based upon its belief that the possibility of damages being awarded in the Lawsuit is remote, the MEL has offered the Township a buyout of \$7,000.00 as a payment to release the MEL from any and all obligations under its policy in connection with the Lawsuit (the "Buyout"); and

WHEREAS, the Zoning Board attorney has recommended that the Township accept the Buyout from the MEL because it is also his position that the possibility that the Court would assign damages against the Zoning Board, even if its decision is reversed, is not likely; and

WHEREAS, the Township Council believes that it is in the best interest of the Township and its residents to accept the Buyout offered by the MEL with respect to the Lawsuit.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Buyout offered by the MEL with respect to the Lawsuit be and hereby is accepted and that the Mayor is authorized to execute any documents, legally acceptable to the Township Attorney, to effectuate the Buyout.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Municipal Excess Joint Liability Insurance Fund
- b. Zoning Board
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath LLP.

Township Engineer James Prior was present and addressed Questions on the bond reductions/release.

The following Resolution # 2005-484 (Bond Reduction Rosemont Estates Section 1) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor with Councilman Cantor abstaining.

RESOLUTION # 2005-484

A RESOLUTION AUTHORIZING THE REDUCTION OF THE PERFORMANCE BOND AND CASH BOND FOR THE ROSEMONT ESTATES DEVELOPMENT, SECTION ONE

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request from Rosemont Estates, LLC for the reduction of the Performance Bond and Cash Bond being held by the Township for the Rosemont Estates Development, Section One (the "Project"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated October 26, 2005 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends that the Performance Bond and Cash Bond for the Project be reduced as follows:

Present Performance Bond Amount:	\$2,239,115.62
Proposed Reduction in Performance Bond:	\$1,567,380.93
Performance Bond to Remain:	\$671,734.69
 Present Cash Bond Amount:	 \$248,790.62
Proposed Reduction in Cash Bond:	\$174,153.43
Cash Bond to Remain:	\$74,637.19; and

WHEREAS, the Engineer's Report recommends that the aforementioned reduction of the Performance Bond and Cash Bond be conditioned upon (i) the receipt of an as-built drawing reflecting all improvements installed to date; and (ii) the payment of all fees as required by the Developer's Agreement; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond posted for the Project are reduced as follows:

Present Performance Bond Amount:	\$2,239,115.62
Reduction in Performance Bond:	\$1,567,380.93
Performance Bond to Remain:	\$671,734.69
 Present Cash Bond Amount:	 \$248,790.62
Reduction in Cash Bond:	\$174,153.43
Cash Bond to Remain:	\$74,637.19; and

BE IT FURTHER RESOLVED, that the reduction of the aforesaid Performance Bond and Cash Bond shall be conditioned upon (i) the receipt of an as-built drawing reflecting all improvements installed to date; and (ii) the payment of all fees as required by the Developer's Agreement; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Rosemont Estates, LLC
- b. Gulf Insurance Company
- c. Sovereign Bank
- d. Township Engineer
- e. Chief Financial Officer
- f. Gluck Walrath, LLP

The following Resolution # 2005-485 (Bond Reduction Rosemont Estates Section 2) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-485

A RESOLUTION AUTHORIZING THE REDUCTION OF THE PERFORMANCE BOND AND CASH BOND FOR THE ROSEMONT ESTATES DEVELOPMENT, SECTION TWO

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request from Rosemont Estates, LLC for the reduction of the Performance Bond and Cash Bond being held by the Township for the Rosemont Estates Development, Section Two (the "Project"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated October 26, 2005 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends that the Performance Bond and Cash Bond for the Project be reduced as follows:

Present Performance Bond Amount:	\$968,749.74
Proposed Reduction in Performance Bond:	\$444,651.06
Performance Bond to Remain:	\$524,098.68
Present Cash Bond Amount:	\$107,638.86
Proposed Reduction in Cash Bond:	\$49,405.67
Cash Bond to Remain:	\$58,233.19; and

WHEREAS, the Engineer's Report recommends that the aforementioned reduction of the Performance Bond and Cash Bond be conditioned upon (i) the receipt of an as-built drawing reflecting all improvements installed to date; and (ii) the payment of all fees as required by the Developer's Agreement; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond posted for the Project are reduced as follows:

Present Performance Bond Amount:	\$968,749.74
Reduction in Performance Bond:	\$444,651.06
Performance Bond to Remain:	\$524,098.68
Present Cash Bond Amount:	\$107,638.86
Reduction in Cash Bond:	\$49,405.67
Cash Bond to Remain:	\$58,233.19; and

BE IT FURTHER RESOLVED, that the reduction of the aforesaid Performance Bond and Cash Bond shall be conditioned upon (i) the receipt of an as-built drawing reflecting all improvements installed to date; and (ii) the payment of all fees as required by the Developer's Agreement; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Rosemont Estates, LLC
- b. First Indemnity of America
- c. Sovereign Bank
- d. Township Engineer
- e. Chief Financial Officer
- f. Gluck Walrath, LLP

The following Resolution # 2005-486 (Bond Release Wendy's/Dunkin Donuts) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-486

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND AND
CASH BOND FOR THE WENDY'S/DUNKIN DONUTS SITE, BLOCK 176, LOTS 15-20;
ROUTE 9 NORTH

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Wendy's International/W&L Associates for the release of the Performance Bond and Cash Bond being held by the Township for the Wendy's/Dunkin Donuts Site, Block 176, Lots 15-20; Route 9 North (the "Project"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated October 26, 2005 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township conditioned upon (1) the payment of all fees as required by the Developer's Agreement and (2) the posting of a Maintenance Bond in the amount of \$59,583.00; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond posted for the Project shall be released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon (1) the payment of all fees as required by the Developer's Agreement and (2) the posting of a Maintenance Bond in the amount of \$59,583.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Wendy's International/W&L Associates
- b. Safeco Insurance Company
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution # 2005-487 (Cancelling Swim Utility Appropriations) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-487

WHEREAS, appropriations exist in the 2005 Swim Operating budget that have been deemed to not be needed for the operations of 2005, and

WHEREAS, appropriations can be cancelled to surplus in the year budgeted,

NOW, THEREFORE, BE IT RESOLVED that the amount of \$120,000.00 be hereby cancelled and removed from the 2005 Swim Operating Capital Improvement Fund appropriation and credited to the Swim Operating Surplus account.

The following Resolution # 2005-488 (Cancelling Swim Utility Bond Ordinance) was introduced by reference, offered by Council President Pernice, seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2005-488

WHEREAS, Ordinance 2003-18 for the construction of a new pool in the amount of \$1,750,000 has been on the books of the Swim Utility as Authorized But Unissued and the improvement remains both unfunded and unspent, and

WHEREAS, the purpose for which this ordinance was originally passed is no longer valid, and

WHEREAS, the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey wishes to remove this debt from the records of the Swim Utility,

NOW, THEREFORE, BE IT RESOLVED that ordinance 2003-18 originally passed for the construction of a new pool in the amount of \$1,750,000 is hereby cancelled and the Chief Financial Officer is hereby directed to make the appropriate entries reflecting this action in the records of the Swim Utility.

The following Resolution # 2005-489 (Awarding Professional Service Contract - French & Parello - Generator Design) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 1 with Councilman Mione voting no.

RESOLUTION # 2005-489

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN FRENCH & PARRELLO ASSOCIATES, P.A. AND THE TOWNSHIP

OF MARLBORO FOR THE PROVISION OF ENGINEERING SERVICES IN CONNECTION
WITH REPLACEMENT OF THE EXISTING EMERGENCY GENERATOR FOR THE
MUNICIPAL COMPLEX

WHEREAS, the Township of Marlboro is in need of professional engineering services in connection with the replacement of the existing emergency generator for the municipal complex (the "Project") and has solicited proposals for the performance of said services; and

WHEREAS, French & Parrello Associates, P.A. submitted a proposal dated November 18, 2005 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for the Project for an amount not to exceed \$19,545.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire French & Parrello Associates, P.A. to provide the required professional services for the Project in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between French & Parrello Associates, P.A. and the Township of Marlboro to provide the required professional services for the Project for an amount not to exceed \$19,545.00 in accordance with the Proposal; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number X-04-55-959-955; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. French & Parrello Associates, P.A.
- b. Township Engineer
- c. Business Administrator
- d. Township Chief Financial Officer

e. Gluck Walrath, LLP

The following Resolution # 2005-490 (Authorizing Settlement Agreement - CME) was removed from the agenda.

The following Resolution # 2005-491 (Setting Reorganization Meeting - January 2, 2006) was introduced by reference, offered by Councilman Mione, seconded by Council President Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-491

BE IT RESOLVED by the Township Council of the Township of Marlboro that it will hold its reorganization meeting on January 2, 2006 at 5 PM at the Town Hall, 1979 Township Drive, Marlboro, New Jersey 07746.

As the consent agenda, the following Resolutions were introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor: Res. #2005-492 (Award of Bid - Liquid Agent Dispensing System), Res. #2005-493 - Award of State Contract - Computer Servers, Exchange Server and Software), Res. #2005-494 (Redemption Tax Sale Certs. - Various), Res. #2005-495 - Refunds for Overpayments - Various), Res. #2005-496 - Refund to WMUA - B. 173, L. 7 C0386), Res. #2005-497 (Veteran Deduction - B. 143.02, L. 106), Res. #2005-498 (Cancelling Taxes - Various), Res. #2005-499 (Cancelling Uncollectible Taxes - Various), Res. #2005-500 (Raffle License - Mon. County Educational Assn.), Res. #2005-501 - Refund of Overpayment of PM Application Fees - Vastola) and Res. #2005-502 (Bingo License - St. Gabriel's Church).

RESOLUTION # 2005-492

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO REED SYSTEMS LTD. TO PROVIDE AND INSTALL A LIQUID AGENT DISPENSING SYSTEM FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids to provide and install a liquid agent dispensing system for the Marlboro Township Department of Public Works; and

WHEREAS, the Township received only one compliant bid which was submitted by Reed Systems Ltd.; and

WHEREAS, the Administration has reviewed said bid and recommended that the contract be awarded to Reed Systems Ltd. as the lowest qualified bidder submitting a conforming bid; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract to the lowest qualified bidder, Reed Systems Ltd., for the provision of the aforesaid services and products.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract to provide and install a liquid agent dispensing system for the Marlboro Township Department of Public Works should be awarded to Reed Systems Ltd., and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Reed Systems Ltd. for the provision and installation of a liquid agent dispensing system for the Marlboro Township Department of Public Works in an amount not to exceed \$16,680.50, and in accordance with the bid proposal submitted by Reed Systems Ltd., which is on file with the Township; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of Sufficient Funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Reed Systems Ltd.
- b. Department of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath LLP.

RESOLUTION # 2005-493

RESOLUTION AUTHORIZING THE PURCHASE OF VARIOUS COMPUTER
SOFTWARE AND EQUIPMENT FROM DELL MARKETING L.P.
STATE CONTRACT #A81247

WHEREAS, the Marlboro Township Engineering Department has recommended that the Township purchase various computer software and equipment from Dell Marketing L.P., One Dell Way, RR8-Box 8724, Round Rock, TX 78682 under State Contract #A81247 for an amount not to exceed \$31,849.90; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide the said computer software and equipment to the Township of Marlboro; and

WHEREAS, funds are available in MCIA Account Numbers Y-01-55-012-009, Y-01-55-012-902, Y-01-55-012-015, Y-01-55-012-013 and Y-05-55-012-952 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said computers;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase various computer software and equipment from Dell Marketing L.P., One Dell Way, RR8-Box 8724, Round Rock, TX 78682 under State Contract #A81247 for an amount not to exceed \$31,849.90; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Dell Marketing L.P., Round Rock, TX
- b. Township Administrator
- c. Township Engineering Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2005-494

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$141,445.23 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$141,445.23 be refunded to the certificate holders as per Schedule "A",

RESOLUTION # 2005-495

WHEREAS, the attached list in the amount of \$14,831.75 known as Schedule "A", is comprised of amounts representing overpayments for 2005 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

RESOLUTION # 2005-496

WHEREAS, current sewer charges in the amount of \$110.11 for Block 173 Lot 7 C0386, located at 386 Hampton Place, assessed to Jason Tuttle, have been paid by Fidelity Tax, LLC., lienholder of the Tax Sale Certificate #05-16 on the above-referenced property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$110.11 be refunded to the Western Monmouth Utilities Authority.

RESOLUTION # 2005-497

WHEREAS, a Veteran deduction in the amount of \$250.00 has been allowed for the year 2005 for Block 143.02 Lot 106, located on 434 Boulder Drive, assessed to Ben & Barbara Parillo,

WHEREAS, taxes for the year 2005 have been paid in full on the above-mentioned block & lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$250.00 to the above-mentioned taxpayers.

RESOLUTION # 2005-498

WHEREAS, the attached list, known as Schedule "A", is comprised of Blocks and Lots with outstanding taxes for the year 2005,

WHEREAS, these Blocks and Lots are now assessed to the Township of Marlboro and are tax exempt,

WHEREAS, the Township Tax Collector has recommended that the 2005 taxes be cancelled,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the 2005 taxes totaling \$803.80 as stated above.

RESOLUTION # 2005-499

A RESOLUTION AUTHORIZING THE CANCELLATION OF
CERTAIN TAXES DETERMINED TO BE UNCOLLECTIBLE -

WHEREAS, there are certain taxes that remain outstanding and unpaid relating to the following property as designated on the Marlboro Township Tax Map: Block 268.05, Lot 16, located on Tennent Road & Route 520; and

WHEREAS, the aforesaid property consist of a detention basin which has been previously dedicated to the Township in accordance with approvals granted by the Marlboro Township Planning Board in connection with certain developments; and

WHEREAS, in light of the same, it has been determined that the outstanding taxes, as set forth below, are uncollectible, and the Township Tax Collector has therefore recommended that the same be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey as follows:

1. That the following taxes, which have been determined to be uncollectible, are hereby cancelled:

<u>Block 268.05 Lot 16</u>	
Total 2005 Taxes:	\$1,265.51

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Township Tax Collector
- b. Township Assessor
- c. Township Engineer
- d. Township Attorney

RESOLUTION # 2005-500

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 18-05 (Off Premise Merchandise) be and it is hereby granted to MCEA Philanthropic Fund Inc., 28 Buckley Road, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on April 6, 2006 at 5:00 PM at 28 Buckley Road, Marlboro, New Jersey 07746.

RESOLUTION # 2005-501

RESOLUTION AUTHORIZING REFUND OF APPLICATION FEE OVERPAYMENT

WHEREAS, on October 6, 2005, an application fee in the amount of \$8,375.00 was posted by Dorothy Vastola for a seven (7) lot subdivision ; and

WHEREAS, following a review of the file it was determined that the correct fee should have been \$1,550.00; and

WHEREAS, the Planning Board has recommended that a refund in the amount of \$6,825.00 be made to Dorothy Vastola;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the amount of \$6,825.00 be refunded to Dorothy Vastola for the overpayment of an application fee.

RESOLUTION # 2005-502

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Bingo License # BL:02-05/06 be and it is hereby granted to St. Gabriel's Church Rosary-Altar Society, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that games will be played each Monday, beginning January 2, 2006 to December 18, 2006 from 12 Noon to 2:30 PM at St. Gabriel's Church Hall, 100 North Main Street, Marlboro, New Jersey 07746, as follows:

JANUARY	2, 9, 16, 23, 30
FEBRUARY	6, 13, 20, 27
MARCH	6, 13, 20, 27
APRIL	3, 10, 24
MAY	1, 8, 15, 22, 29
JUNE	5, 12, 19, 26
JULY	3, 10, 17, 24, 31
AUGUST	7, 14, 21, 28
SEPTEMBER	4, 11, 18, 25
OCTOBER	9, 16, 23, 30
NOVEMBER	6, 13, 20, 27
DECEMBER	4, 11, 18

At 10:30PM, Councilman Denkensohn moved that the meeting be adjourned. This was seconded by Council President Pernice, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: January 19, 2006

OFFERED BY: Pernice

AYES: 3

SECONDED BY: Cantor

NAYS: 0

ABSTAIN: ROSENTHAL, TRAGNI

ALIDA DE GAETA
MUNICIPAL CLERK

JOSEPH PERNICE
COUNCIL PRESIDENT

